

2016 Regular Session

SENATE BILL NO. 453

BY SENATOR WHITE

CRIME/PUNISHMENT. Adds Medicaid fraud to crimes governed by racketeering laws.
(gov sig)

1 AN ACT
2 To enact R.S. 15:1352(A)(63), relative to racketeering; to add Medicaid fraud to the list of
3 crimes governed by state racketeering laws; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 15:1352(A)(63) is hereby enacted to read as follows:

6 §1352. Definitions

7 A. As used in this Chapter, "racketeering activity" means committing,
8 attempting to commit, conspiring to commit, or soliciting, coercing, or intimidating
9 another person to commit any crime that is punishable under the following
10 provisions of Title 14 of the Louisiana Revised Statutes of 1950, the Uniform
11 Controlled Dangerous Substances Law, or the Louisiana Securities Law:

12 * * *

13 **(63) R.S. 14:70.1 (Medicaid fraud)**

14 * * *

15 Section 2. This Act shall become effective upon signature by the governor or, if not
16 signed by the governor, upon expiration of the time for bills to become law without signature
17 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

SB 453 Engrossed

2016 Regular Session

White

Present law provides that the crime of Medicaid fraud is the act of any person who, with intent to defraud the state or any person or entity through any medical assistance program created under the federal Social Security Act and administered by the Dept. of Health and Hospitals or any other state agency, does any of the following:

- (1) Presents for allowance or payment any false or fraudulent claim for furnishing services or merchandise.
- (2) Knowingly submits false information for the purpose of obtaining greater compensation than that to which he is legally entitled for furnishing services or merchandise.
- (3) Knowingly submits false information for the purpose of obtaining authorization for furnishing services or merchandise.

Proposed law retains present law.

Present law provides that "racketeering activity" means committing, attempting to commit, conspiring to commit, or soliciting, coercing, or intimidating another person to commit any crime that is punishable under certain provisions of present law including solicitation for murder, second degree murder, aggravated kidnapping, extortion, theft, manufacture and distribution of certain drugs, money laundering, corrupt influencing, public contract fraud, and pornography involving juveniles.

Proposed law retains present law and adds the present law crime of Medicaid fraud to this list.

Present law provides various penalties for racketeering activity.

Proposed law retains present law and makes present law penalties applicable to racketeering activity involving Medicaid fraud.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 15:1352(A)(63))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Makes present law penalties for racketeering activity applicable to the present law crime of Medicaid fraud.
2. Deletes proposed law racketeering penalties from the present law crime of Medicaid fraud.